1 2 3 4 5 6 7 8 9	Michael J. Shepard (State Bar No. 91281) KING & SPALDING LLP 101 Second Street Suite 2300 San Francisco, California 94105 Tel: (415) 318-1221 mshepard@kslaw.com  Jamie A. Lang (State Bar No. 253769) KING & SPALDING LLP 633 W Fifth Street Suite 1700 Los Angeles, CA 90071 Tel: (213) 443-4325 jlang@kslaw.com  Attorneys for Defendant	
11	APRIL DIANE MYRES	
12	UNITED STATES DISTRICT COURT	
13	NORTHERN DISTRICT OF CALIFORNIA	
14	SAN FRANCISCO DIVISION	
15		
16	UNITED STATES OF AMERICA,	Case No.: 3:17-CR-00180-RS
17	Plaintiff,	STIPULATION AND [PROPOSED] ORDER TO CONTINUE DUE DATE
18	v.	FOR DEFENDANT'S RULE 33
19	APRIL DIANE MYRES,	MOTION FOR A NEW TRIAL AND/OR RULE 29 MOTION FOR A
20	Defendant.	JUDGMENT OF ACQUITTAL
21		Judge: Hon. Richard Seeborg
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## **STIPULATION**

Pursuant to Federal Rule of Criminal Procedure 33, "[u]pon the defendant's motion, the court may vacate any judgment and grant a new trial if the interest of justice so requires." Fed. R. Crim. P. 33(a). A defendant must file any such motion within 14 days after the verdict. Fed. R. Crim. P. 33(b)(2). In addition, pursuant to Federal Rule of Criminal Procedure 29, "[a] defendant may move for a judgment of acquittal, or renew such a motion, within 14 days after a guilty verdict or after the court discharges the jury, whichever is later." Fed. R. Crim. P. 29(c)(1). On June 26, 2019, the jury found defendant April Myres ("Ms. Myres") guilty of Counts One and Two of the indictment in this case, which charged Ms. Myres with mail fraud and wire fraud, respectively. Accordingly, Ms. Myres' Rule 29 and Rule 33 motions are currently due on July 10, 2019.

Prior to filing any such motions, Ms. Myres respectfully requests an opportunity to review the transcripts from the trial in this matter, which are currently being prepared and expected to be completed by July 29, 2019 (CR 207) and, by extension, to continue the due date for these motions. Ms. Myres has spoken with government counsel regarding this matter, who has no objection to continuing the due date for any Rule 29 or Rule 33 motions. Accordingly, the parties respectfully request and stipulate that the Court continue the due date for any Rule 29 or Rule 33 motions from July 10, 2019 to September 4, 2019, and propose the following briefing schedule:

Motion for New Trial and/or Acquittal: September 4, 2019

Oppositions to be Filed: September 25, 2019

(Optional) Replies to be Filed: October 2, 2019

Any Hearing on Motion for New Trial and/or Acquittal: October 8, 2019 at 2:30 pm. IT IS SO STIPULATED.

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1	Dated: July 3, 2019	KING & SPALDING LLP
2		Day /a/Mialaal I Cl J
3		By: <u>/s/ Michael J. Shepard</u> MICHAEL J. SHEPARD JAMIE A. LANG
4 5		
6		Attorneys for Defendant APRIL DIANE MYRES
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8	Dated: July 3, 2019	UNITED STATES ATTORNEY'S OFFICE
9	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	OTHER STITES THE ORIGINAL STATES
10		By: /s/ per email authorization LAURA VARTAIN
11		NICHOLAS WALSH Assistant United States Attorneys
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14		[ <del>PROPOSED</del> ] ORDER
15	IT IS SO ORDERED.	0,10
16	D. 4. 1. 07/02/2010	Wiled Seden
17	Dated: 07/03/2019	By: HON. RICHARD SEEBORG
18		United States District Court Judge
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